



BOARD DUTY TO ENFORCE CONDO BYLAWS IN ALBERTA: A CORE GOVERNANCE RESPONSIBILITY

In every Alberta condominium corporation, the board of directors is responsible for governing in the best interests of the corporation as a whole. One of the most important — and sometimes uncomfortable — parts of that role is enforcing the corporation's bylaws.

Bylaw enforcement is not optional. It is a core governance obligation under Alberta's [*Condominium Property Act*](#) and the corporation's registered bylaws.

When enforcement is inconsistent or avoided altogether, the result is often predictable: owner conflict, allegations of unfairness, and increased legal and financial risk for the corporation.

Why Enforcement Matters

Condominium bylaws are registered with Alberta Land Titles and are legally binding on all current and future owners. They are not informal policies or guidelines — they are enforceable governance documents.

Boards derive their authority to enforce directly from:

- The *Condominium Property Act*
- The corporation's registered bylaws
- Properly adopted [rules](#) (where applicable)

Enforcement sits alongside fiduciary duty, financial oversight, and strategic decision-making as a foundational responsibility of directors.

Consistent enforcement helps to:

- Promote fairness and equal treatment of owners
- Reduce disputes and complaints
- Protect property values
- Strengthen governance credibility
- Minimize legal exposure

Risks of Inconsistent or Selective Enforcement

Boards occasionally hesitate to enforce bylaws in order to avoid conflict. However, ignoring violations or applying different standards to different owners can create greater problems.

Selective or inconsistent enforcement may:

- Undermine confidence in board decision-making
- Lead to owner complaints or formal disputes
- Increase exposure to legal challenges
- Be viewed as failing to act in the best interests of the corporation

Alberta courts have emphasized that directors must act honestly, in good faith, and in the best interests of the corporation as a whole — not individual owners. Consistency in enforcement supports that obligation.

Following Proper Process

Enforcement must be procedural, documented, and compliant with legislation.

Although each corporation's bylaws may differ, good governance practice generally includes:

1. Providing Written Notice

Clearly outline the alleged bylaw or rule violation.

2. Allowing Reasonable Time to Comply

Provide an opportunity for the owner to correct the issue.

3. Applying Sanctions in Accordance with the Bylaws

If permitted, sanctions must follow the process set out in the bylaws and applicable legislation.

4. Documenting All Steps

Maintain clear records of communications, timelines, and decisions.

Failure to follow proper procedure can weaken enforcement efforts and increase the likelihood of disputes.

Reviewing and Updating Bylaws

Many condominium corporations in Alberta continue to operate under developer-drafted bylaws that may be outdated, unclear, or lacking practical enforcement mechanisms.

Regular bylaw review — with appropriate legal guidance — can:

- Improve clarity and consistency
- Reduce ambiguity in enforcement
- Align governance documents with current legislation
- Strengthen long-term stability of the corporation

Clear bylaws make consistent enforcement easier and reduce unnecessary conflict.

A Proactive Governance Approach

Effective boards do not enforce aggressively — they enforce consistently and fairly.

Best practices include:

- Maintaining documented enforcement procedures
- Applying standards equally to all owners
- Educating owners about rules and expectations
- Seeking professional advice when bylaws are unclear

Bylaw enforcement is not about punishment. It is about fairness, stability, and fulfilling statutory obligations. For Alberta condominium boards, consistent enforcement is part of responsible governance — and an important way to protect both the community and the corporation.

Sources:

Condominium Property Act - Open Government

<https://open.alberta.ca/publications/c22>

Condominium rules, bylaws and sanctions - Open Government

<https://open.alberta.ca/publications/condominium-rules-bylaws-and-sanctions>